

Heal the Bay

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October 17, 2019

Ms. Renee Purdy, Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 W 4th Street, Suite 200
Los Angeles, CA 90013

Sent via email to: losangeles@waterboards.ca.gov and Renee.Purdy@waterboards.ca.gov

RE: TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR THE CITY OF SIMI VALLEY, SIMI VALLEY WATER QUALITY CONTROL PLANT DISCHARGE TO THE ARROYO SIMI (ORDER R4-2019-00XX, NPDES NO. CA005521).

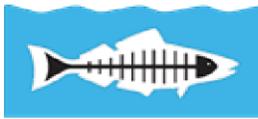
To Ms. Purdy:

Heal the Bay is a non-profit environmental organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and watersheds of Greater LA safe, healthy and clean. On behalf of Heal the Bay, we respectfully submit the following comments on the Tentative Waste Discharge Requirements for the City of Simi Valley, Simi Valley Water Quality Control Plant Discharge to the Arroyo Simi (Tentative WDR).

While we feel that operation of the Simi Valley Water Quality Control Plant (Facility) is necessary for the treatment of wastewater in the City of Simi Valley, and that the proposed permit contains a great deal of special conditions to ensure environmental protection of Arroyo Simi and the Calleguas Creek Watershed, we offer the following recommendations to further strengthen the Tentative WDR:

- **The Simi Valley Water Quality Control Plant should transition from chlorination to ultraviolet water purification.**
- **Sources of chronic toxicity in receiving waters must be identified and remediated.**
- **Enforcement Action must be taken in the event of permit violation.**
- **The permittee must be liable for any effluent limit exceedance, even during the event of a Single Operation Upset.**
- **For any one calendar month during which no sample (daily discharge) is taken and no reasonable justification is provided, an AMEL violation should be determined for that calendar month.**
- **The Tentative WDR must clearly explain that, in the absence of Interim Effluent Limitations, Final Effluent Limitation are applicable.**
- **Reporting for anticipated non-compliance or modifications cannot lead to unenforced violation of water quality standards.**

These recommendations are discussed in further detail below.



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The Simi Valley Water Quality Control Plant should transition from chlorination to ultraviolet water purification.

The Facility currently uses chlorination during the final disinfection process, then requiring dechlorination prior to discharge to the Arroyo Simi to protect in-stream aquatic health. However, the best available science indicates that ultraviolet water purification is a preferred method for this process because it is proven effective while minimizing the potential for by-product formation, which has been observed in the chlorination process¹. Additionally, ultraviolet water purification requires less maintenance. We request that the Regional Board work with the Facility to investigate the feasibility of converting from chlorination to ultraviolet water purification.

Sources of chronic toxicity in receiving waters must be identified and remediated.

As currently written, the Tentative WDR states “[i]f the chronic toxicity median monthly threshold of the receiving water at both upstream and downstream stations is not met, but the effluent chronic toxicity median monthly effluent limitation was met, then accelerated monitoring need not be implemented.” However, if chronic toxicity is observed in receiving waters, the sources of the toxicity must be identified and remediated in order to protect in stream aquatic health. If the permittee is able to determine that the discharge from the Facility is not causing or contributing to the in stream chronic toxicity, we agree that the Permittee shall not be responsible for the identification of the source of the toxicity. However, we recommend that the Regional Board clearly identify, in the permit, the entity that shall be responsible for such testing to ensure that the chronic toxicity is addressed.

Enforcement Action must be taken in the event of permit violation.

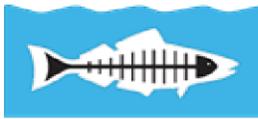
There are seven violations at the Facility reported on the CIWQS website²: Total Sulfate Monthly Average on 02/05/2019 and 03/05/2019, Dieltrin Monthly Average and Daily Maximum on 05/07/2018, 4.4-DDD Monthly Average and Daily Maximum on 05/28/2019, and 4.4-DDD Daily Maximum on 05/29/2019. These are not included in the Preliminary List of Exceedances in Attachment F, Table F-3 of the Tentative WDR. We request that the status of the above listed violations be added to Table F-3, and that enforcement action be taken immediately in response to these violations and any future violations.

The permittee must be liable for any and all effluent limit exceedances, even during the event of a Single Operation Upset.

Under the Tentative WDR, a single operational upset (SOU) is defined as a single unusual event that temporarily disrupts the usually satisfactory operation of a system in such a way that it results in violation of multiple pollutant parameters. As currently written, a “SOU that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation...” However, the discharge of multiple pollutants can have cumulative effects on in-stream ecological health, and must,

¹ United States Environmental Protection Agency. 2003. *Wastewater Technology Fact Sheet: Disinfection for Small Systems*. https://www.epa.gov/sites/production/files/2015-06/documents/disinfection_small.pdf

² California Environmental Protection Agency, State Water Resources Control Board. Updated 07/02/2019. *Facilities At-A-Glance Report: Violations*. <https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?inCommand=drilldown&reportName=facilityAtAGlance&placeID=261253&reportID=7132656>



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therefore, be considered as multiple individual water quality violations. We recommend that the exception given for an SOU be removed from the Tentative WDR.

For any one calendar month during which no sample (daily discharge) is taken and no reasonable justification is provided, an AMEL violation should be determined for that calendar month.

As currently written in the Tentative WDR, “[f]or any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month with respect to the AMEL.” However, it is important that samples are taken on schedule, as required by the permit, unless there are safety concerns, or sampling was otherwise not possible. We therefore recommend that if no sample is taken, and no reasonable justification is provided, that an AMEL violation be determined for that month. We recommend the following language be added to the first paragraph under Section VII.C. of the Tentative WDR:

“For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month with respect to the AMEL. **If reasonable justification is provided in the absence of a sampling event (i.e. unsafe sampling conditions, no discharge, etc.), no compliance determination will be made. If no reasonable justification is provided in the absence of a sampling event for a calendar month, an AMEL violation will be determined for that calendar month.**”

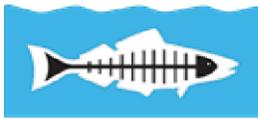
The Tentative WDR must clearly explain that in the absence of Interim Effluent Limitations, Final Effluent Limitation are applicable.

Under the Metals TMDL-based Interim limits, the Tentative WDR states “As of March 27, 2017, the effluent from the Simi Valley WQCP has consistently achieved the final waste load allocations for the Metals TMDL. Therefore, no interim effluent limitations are included in this permit.” However, as currently written, the Tentative WDR does not explicitly state that final effluent limits apply to Metals TMDL-based Interim limits, as is stated for Organo Chlorine Pesticides, PCBs, and Siltation TMDL-based Interim limits; and for Boron, Chloride, Sulfate, and TDS (Salts) TMDL-based Interim limits. We support the use of final effluent limits for metals in the Tentative WDR. For the purpose of clarity and transparency in the permit requirements, and to ensure accountability for violations of metals effluent limitations, we suggest the following additions to section IV.A.2.a. of the Tentative WDR:

“Therefore, no interim effluent limitations are included in this permit, **and only the final effluent limitations for these pollutants are applicable in this permit.**”

Reporting for anticipated non-compliance or modifications cannot lead to unenforced violation of water quality standards.

The Tentative WDR states “The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order’s requirements. (40 CFR section 122.41(l)(2).)” We suggest the following clarifying language to Attachment D, section V.G., to ensure that The Board review the proposed changes/anticipated non-compliance and determine if this is allowable, and to ensure that other parties should be able to review the proposal and provide comments on the potential impact the proposal will have:



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“The Permittee shall ~~give advance notice to the submit a plan for public review and~~ Regional Water Board **approval** of any planned changes in the permitted facility or activity that may result in noncompliance with this Order’s requirements. (40 CFR section 122.41(l)(2).) **Reporting anticipated noncompliance does not preclude enforcement action by the Regional Water Board in the event of effluent limit violations under this permit during the period of anticipated noncompliance.**”

Thank you for the opportunity to comment on the Tentative Waste Discharge Requirements for the City of Simi Valley, Simi Valley Water Quality Control Plant Discharge to the Arroyo Simi. We look forward to continuing our collaborative work with the Regional Board in order to protect public and environmental health throughout the Los Angeles Region. If you have any questions concerning this comment letter, please contact Annelisa Moe via e-mail at amoe@healthebay.org, or by telephone at (310) 451-1500 X115.

Sincerely,

Annelisa Ehret Moe
Water Quality Scientist
Heal the Bay

Elena Sandell
Policy Intern
Heal the Bay

cc by e-mail: Raul Medina, Water Resources Control Engineer, Los Angeles Regional Water Quality Control Board. raul.medina@waterboards.ca.gov

Jeong-Hee Lim, Senior Water Resources Control Engineer, Los Angeles Regional Water Quality Control Board. Jeong-Hee.Lim@waterboards.ca.gov